

Turbulent Transition in Iraq: Can It Succeed?

by Judith S. Yaphe

Key Points

As the Interim Government of Iraq begins to assert authority, diverse communities within the country are struggling to protect their equities. Critical issues include Kurdish desires for federalism and a veto on the constitution; Shi'a resistance to separatism and minority veto rights; religious demands that Islam be recognized as the exclusive source of legislation; and increasing combativeness of Arab Sunnis, facing marginalization after the fall of a regime they long dominated.

Iraqis will grow increasingly fractious as they jockey for political space. However, the risk of civil war between Arabs and Kurds or between Sunni and Shi'a Muslims is low. While fissures are deep, all parties appear to understand that division is not an option and more can be gained through participation and negotiation. Two developments could raise the risk of domestic strife: if Sunni and Shi'a extremists succeed in undermining the new government, and if the Kurds, who waver in their commitment to join the government, push for greater autonomy and control of Kirkuk.

Iraqi government efforts to deal with the United States as a partner rather than a client will bolster its credibility in the eyes of many Iraqis. These efforts will not, however, lessen terrorist or insurgent attacks.

Iraqis will remain suspicious that the new government will not be fully sovereign. Success will depend on American officials resisting the temptation to promote Iraqi foreign and domestic policies that support U.S. regional goals but could endanger the prospects for survival of the new government.

One year after liberation, most Iraqis are impatient with the military occupation of their country. Although grateful for the removal of Saddam Hussein's cruel and repressive regime, many assumed the United States and its coalition members would soon go home and leave them to sort out their political, economic, and military fate. The war, after all, had been fought to liberate Iraqis from political tyranny, not to defeat the Iraqi people. Both U.S. and Iraqi expectations were high that the transition from oppression to democracy would be smooth and quick and that Iraqi political elites would move swiftly to ensure democratic rule.

Despite the formation of the Interim Government of Iraq on June 1, 2004, many Iraqis and their neighbors remain skeptical that the United States will give up its control or not try to retain control through appointed puppets. Success as measured by quick victory and regime change has been accomplished; success as measured by rapid reconstruction of the Iraqi polity and economy has not been achieved and may be in peril.

Three Dramas

During this turbulent transitional period, success will hinge upon the outcome of three distinct "dramas."

Civil War. The first drama is the specter of civil war, which has not happened. Anti-American violence has increased, as have insurgent efforts to spark civil war between ethnic and sectarian elements. Even so, Iraq is not in a state of civil war, nor has there been any serious outbreak of sectarian or ethnic warfare—yet. Sunnis are not fighting Shi'a, and Arabs are not at war with Kurds. Nor are Iraqi Shi'a wedded to an Iranian-style cleric-dominated

regime. The confrontations that have occurred—in Baghdad, Kufah, Fallujah, and Najaf, for example—reflect carefully planned and coordinated attacks on U.S. forces and civilians working on reconstruction.

What is important is the absence of discourse on several topics. Little is heard about the rounds of negotiations between extremist Shi'a cleric Muqtada al-Sadr and representatives of the ayatollahs of Najaf, including Grand Ayatollah Ali al-Sistani and his son, yet it is clearly in the interest of the Shi'a clerical hierarchy to resolve this crisis. Little is heard, as well, about negotiations in Fallujah, yet the emergence of a respected Republican Guard general and tribal leaders may have opened the way to broader conflict resolution in that volatile municipality. And no cleric has yet issued a decree (*fatwa*) sanctioning rebellion against the foreign occupier. Despite the murders of Iraqis cooperating with the Coalition Provisional Authority (including a president and two ministers on the Iraqi Governing Council, clerics in the Sunni and Shi'a communities, and officials of both Kurdish factions in northern Iraq), civil war—meaning between Iraqi Arabs and Kurds, or between Sunni and Shi'a—has not erupted and is not likely to.

Civil war, if it happens, is more likely to occur between religious extremists (Sunni and Shi'a) and everyone else than between Sunni and Shi'a or Arab and Kurd. Iraq is an amalgam of Shi'a Arab (approximately 60 percent), Sunni Arab (20 percent), and Kurd (Sunni and Shi'a, approximately 20 percent), but it cannot be simply defined and divided mathematically. Generally, Sunni and Shi'a Arabs share an assumption of Iraqi nationalism and an intention to maintain the political and territorial

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integrity of the country as defined by the 1920 San Remo treaty and the 1932 treaty of independence. Iraqi Kurds have committed themselves for the moment to being part of Iraq, but their reluctance to accept permanent status in Iraq is certainly linked directly to future constitutional and perhaps territorial concessions.

Transitional Governance. The second drama concerns the fate of transitional governance. Squabbling over the nature of the interim government that assumed power on June 1, how it was chosen, and who would serve in the various cabinet posts exacerbated relations between the Coalition Provisional Authority (CPA) and Iraqis. Both sides had unrealistic expectations of what was possible. From outward appearances, the Governing Council (GC) preempted United Nations (UN)—U.S. efforts to select the new interim government, which it intended to announce on June 1, by choosing a new president (a prominent shaykh of the million-member Shammar tribal federation from northern Iraq), two deputy presidents (a Kurd and a Shi'a Arab), and a prime minister (the head of the Iraq National Accord party, Iyad Allawi, who is a secular Shi'a and former Ba'thist who had lived in exile for the past 25 years) a week earlier. The new cabinet contains a mix of former GC members and newly appointed technocrats, divided among the country's diverse groups and including six women. A commission to prepare the country for national elections was also named, and a nationwide assembly is being planned for July to advise the interim government and plan for Iraq's political future. The elections, when held, will not ensure perfect democratic governance or a pro-American government. They should, however, reflect the consensus of the Iraqi people.

Municipal elections have occurred in many areas, and it is probably at this level that the greatest progress in democratic rule has occurred. Democracy represents two values: majority rule and protection of the rights of minorities. It took Britain nearly 900 years and a civil war to evolve into a truly representative government; it has taken the United States more than 225 years and a civil war to achieve its current state of democracy. How can the Iraqis be expected to achieve this in 1 year?

Political Institution Building. Longer-term political institution building in Iraq is the

third drama. The interim government that took over from the Governing Council lacks legitimacy, and the nature of political institutions and a permanent constitution have yet to take shape. These issues will not be resolved soon, nor should anyone expect them to be. Political institutions and constitutions do not automatically confer legitimacy, establish the rule of law, create checks and balances in government, and guarantee equal rights and protections for all. Parliaments are buildings, and constitutions are written on paper. It takes time and trust to create a free people and an open society.

In 1920, the British created institutions of government (parliament) for Iraq, imported a foreign Arab and installed him by a plebiscite of hand-picked natural leaders known to favor pro-British rule, and selected a rainbow coalition drawn from all the communities of Iraq. This government lacked the power and authority to rule Iraq. Not only did the British rule indirectly and closely through political commissioners and officers chosen in Whitehall, but they also wrote the constitution and the treaties the Iraqis had to sign to gain independence. Even after the League of Nations recognized an independent Iraq in 1932, the British retained control over security and military decisionmaking until the 1958 revolution. Under the British, Iraqis gained, at best, only second-hand experience in democratic institutions and practices. The United States is in danger of repeating the errors of the British if it does not pass real, transparent decisionmaking power to the Iraqis.

Where Are We Now?

Despite the unanimous passage on June 8 of the UN resolution recognizing the new interim government and approving the timeline for elections, foreign observers and many Iraqis probably continue to doubt that the transition of political authority from the U.S.-dominated CPA to Iraqis will occur without the simultaneous transition to democracy or Iraqi control of security policy.¹ They suspect that the United States passed power to a group of self-promoting Iraqis who are unelected and do not represent the wishes of the people, that Washington will retain control of the real centers of decisionmaking, and that the exercise will be an opaque one at best. Only time will tell if they are right.

Others argue that Iraq cannot be ruled democratically or that it is better off being divided into three weak states to ensure protection for ethnic and religious groups and remove their ability to threaten any one but themselves in the future. They are certainly wrong.

The new government, led by President Ghazi al-Yawar, Prime Minister Iyad Allawi, and Foreign Minister Hoshyar Zebari, seeks a transparent and unambiguous transfer of authority that gives them power over political, economic, financial, and security policy without actual responsibility for security, which they prefer remain in U.S. hands. A small but increasingly vociferous number of Iraqis demand removal of all vestiges of U.S. presence, from civilian advisers aiding the transition to military forces assigned to provide security and fight the insurgents and terrorists.

Who is right? How does an occupier-liberator know when enough is enough? How do you measure success or acknowledge failure? Any attempt to answer these questions requires an assessment of what the new government needs to do to survive as a stable and effective element of the country's new politics and what can be achieved by it, by other Iraqi leaders, and by the United States.

Past as Prologue?

The U.S. Government has been accused of many deficiencies in planning for a post-Saddam Iraq. Accusations range from having no plan to having the wrong plan—planning for humanitarian, refugee, and health crises that did not happen—to having hidden agendas to retain control of Iraqi wealth. While these accusations carry the hallmarks of conspiracy theories, one issue stands out. Washington did not adequately consider the impact of many of the measures it imposed on Iraq since the fall of Saddam Hussein.

The first American administrator for humanitarian aid and reconstruction, Jay Garner, had served in Iraq in 1991 following the abortive Kurdish rebellion in the north. He and his staff assumed they would face similar crises in 2003: internally displaced people, refugee flows, and a desperate need for housing, food, water, and health care. He also assumed he would take over ministries and civil servants in place and, with only a few American advisers and contractors, would be able to get government up and running quickly. He had no detailed plans for widespread de-Ba'thification—removal of

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anyone who was a party member down to the third level of responsibility in the party hierarchy—of the civil service or public sector workers or for the mass demobilization of the Iraqi military forces. Plans in early 2003 for the Iraqi armed forces were based on downsizing, depoliticizing, and professionalizing. Garner understood that a large number of suddenly unemployed Iraqis from the military or the bureaucracy could not be dumped on an economy already suffering dislocation and high unemployment. Garner had not included looting, sabotage, and a disappeared civil bureaucracy among his most pressing post-conflict concerns.

Unintended Impact of De-Ba'thification. One month after replacing Garner in April 2003, new CPA administrator Paul Bremer implemented several significant policies. He first ordered removal of all Ba'th Party members from public posts. In September, controversial former Iraqi exile Ahmad Chalabi, then serving as president of the Governing Council for the month, ordered a much broader de-Ba'thification: he wanted to extend the purge to the fourth level of the party and deny local and regional commanders and CPA officials the right to grant exemptions to the de-Ba'thification edict.

The second Bremer decree closed the Ministry of Defense and demobilized—fired—all the members of the military and security forces, including the regular army and the Republican Guard, and security and intelligence units, including the Special Republican Guard, the Saddam fedayeen, and the special militias that served as regime bodyguards and secret police.

The impact of these actions cannot be easily measured. As many as 50,000 party members lost their jobs in civil service, education (kindergarten through university), public health, and the media. Probably only a small percentage were earnest loyalists prepared to implement regime edicts and party ideology. The far greater number of Ba'th party members, perhaps 80 to 90 percent, had joined out of fear, pressure, and promises of better jobs, higher salaries, and personal security. Party membership was required for teachers and any government bureaucrat, professional, or technical specialist aspiring to a better job and higher status. Approximately 450,000 military and security personnel were relieved of their positions without salaries or other compensation.²

Both measures sent a clear signal—in particular to Sunni Arabs who out of fear and loyalty had been Saddam's pillar of strength. The Arab Sunni tribes of the so-called triangle or center—an area bounded by Mosul, Fallujah, Tikrit, and Baqubah and including Baghdad—provided most of the recruits and personnel for the officer corps of the army, Republican Guard, Special Republican Guard, and other security and intelligence units. They filled the upper ranks of the Ba'th Party and the elite group of advisers around Saddam.

Bremer's edicts targeted these Sunni Arab elites in particular, creating the image of a beleaguered and disenfranchised community that had lost its place in Iraqi society, politics,

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economics, and governance. The oppressors would now become the oppressed. In this light, the willingness of disgruntled military officers to join with Saddam loyalists, former Ba'thists, and Sunni religious extremists becomes more explicable.

Transitional Administrative Law as Roadmap. In the leadup to the June 30 turnover of power, Bremer took several measures to ensure that the interim government would steer a moderate course. He appointed advisers to ministries with multiyear terms that go far beyond the life of the CPA and the interim government, and he oversaw the composition of a draft provisional basic law. Draconian measures to improve security and to end the insurgencies that flared in spring 2004 were implemented. Bremer and the U.S. military commanders also pursued a more cautious strategy to resolve confrontations with some insurgent elements. In both Fallujah and Najaf, the CPA dealt with unelected and influential Iraqi power brokers—especially clerics loyal to the relatively moderate Grand Ayatollah Ali Sistani, who heads one of the largest endowments in the Shi'a world and is based in the shrine city of Najaf.

The clearest indicator of the U.S. vision for the new Iraq has been set forth in the Transitional Administrative Law (TAL), also referred to

as the Basic Law or interim constitution. The document, written by Iraqis according to Bremer, resonates with protections for individual rights and civil liberties as contained in Western constitutions. It describes the Iraqi government as republican, federal, democratic, and pluralistic. Key sections deal with federal versus state's rights, Islam as a component rather than the sole source of legislation, and the structure and nature of governance.

Some Iraqi constituencies have objected to parts of the law. Shi'a leaders oppose allowing a majority of voters in three governorates the power to veto a new constitution or legislation passed by the majority. Kurds are dissatisfied with the geographic basis of federalism and mistrust the willingness of any Arab-dominated government to share revenues or political offices fairly with them. Kurds, Christians, and secular Arabs object to recognizing Iraq as Arab or Muslim. Islamists prefer an avowedly Islamic government with *shariah* (religious law) as the foundation of all law. While little mention is made in Iraq about complying with all UN resolutions, at some point this, too, will probably become a symbol of unfairness and oppression intended to keep Iraq weak.

What Do Iraqis Want?

While Iraqi unhappiness with the occupation in general and the Transitional Administrative Law in particular is easy to chronicle, the harder task is to discern what exactly Iraqis want. The answer varies among the country's different sectarian and ethnic communities. Iraqi communities have cooperated in the past, intermarried, and lived together for hundreds of years. Many families, tribes, and clans—including that of Saddam Hussein and the Shammar of President al-Yawar—have Sunni and Shi'a members. Sunni Arabs, Shi'a Arabs, Kurds, Turkmen, and Christians live intermingled in many cities and towns, including Baghdad, Tikrit, Mosul, and Kirkuk. The Arab communities include secular and religious elements that are both tribal and urban. Iraqi Kurdish and Christian communities, however, are avowedly secular and worry about domination by a new Islamist and Arab political constellation.

What Are Shi'a Aspirations? The Shi'a are not one monolithic community sharing a common vision of the political future. They are multiple communities with multiple goals and conflicting visions of a new Iraq. The majority, including Grand Ayatollah Sistani, tend to reject

the Iranian model of the Islamic republic and Ayatollah Khomeini's concept of *vilayat-i faqih* (rule by clerics). An outspoken minority, however, are pressing for Islamic rule.

Most of the Iraqi Shi'a community did not convert to Shi'a Islam until the late 18th century. These tribes over the centuries had acquired the characteristics of a persecuted minority—alienation from the larger society, an intense feeling of cohesion, and a pervasive sense of oppression and injustice—that Shi'ism accentuated. Iraqi Shi'a were excluded from participation in the Sunni Ottoman Empire that ruled the Iraqi provinces for four centuries; they fared no better under British, monarchist, and Arab nationalist rule. They, in turn, rejected Sunni schools, academies, and governance. Nevertheless, a number served in government under the monarchy and after the 1958 revolution, including as prime ministers and cabinet members. They joined the Communist and Ba'thist parties and served as loyalists to Saddam Hussein, seeing these secular movements as offering a more level playing field than the parties that had dominated the state since independence, and favored Arab Sunni nationalist causes.

However, the Shi'a, for the most part, saw themselves as Arab, Iraqi, and Shi'a. The Shi'a tribes of the south remained loyal to Baghdad in the Iran-Iraq war, a loyalty acknowledged

and rewarded by Saddam in the 1980s. Shi'a conscripts, the majority of the Iraqi army, returning from Kuwait in February 1991 saw opportunity in the absence of government forces and, with perceived encouragement from the United States, staged a revolt. The revolt was uncoordinated, Iran failed to back it sufficiently, and guerrillas and mullahs carrying portraits of Khomeini frightened many in southern Iraq. The rebellion failed.

Many of the more urbanized Shi'a are not religious or, if so, still favor secular political rule. On the other hand, traditional Shi'a tend to be more village- and tribal-centered and more pious and observant. Majorities from both camps follow Grand Ayatollah Sistani as their guide (*marja al-taqlid*), and many may favor some sort of Islamic governance, with Islam being more than just one among many sources of state law. There seems to be little support for an Islamic republic styled along the Iranian model. Sistani's political vision for Iraq is not altogether clear. While he opposes rule by clerics, as in Islamic Iran, it is not obvious that an Iraq fashioned along the lines of secular Turkey would satisfy him. Nor is he likely to be happy with Islam as a source (as opposed to the sole source) of law. Sistani, like Khomeini, may be appalled at the official separation of Islam and state in Turkey, even with the current Islamist government in Ankara.

Iraq, however, has several Shi'a extremist factions that would like to emulate Iran. They share a vision of a republic governed by Islam as the sole source of all law and have little tolerance for Western values or practices, including the emancipation of women. The most prominent is the Supreme Council for the Islamic Revolution in Iraq (SCIRI), established by Iran in the early 1980s as an umbrella group to unite anti-regime Iraqis in exile in Iran. Its leader, Ayatollah Muhammad Baqr al-Hakim, was assassinated in August 2003, after returning from more than 20 years in exile in Iran; his brother, Abd al-Aziz al-Hakim, served on the Governing Council and heads the Badr Brigade, the SCIRI militia.

The first modern Shi'a extremist faction in Iraq was the *Dawa* (Call) Party, founded in Najaf in the 1960s by Ayatollah Muhammad Baqr Sadr, who was martyred by Saddam's regime in 1980. He was a companion of Khomeini during the latter's 15-year exile in Iraq and wrote a political treatise advocating a role for clerics in governance (similar to Khomeini's principle of *vilayat-i faqih*, or rule by religious jurisprudent). Dawa members were involved in anti-U.S. and anti-Western terrorism with the Lebanese Hizballah terrorist infrastructure in Kuwait and Lebanon during the 1980s. They have never been comfortable in their alliance with SCIRI, and indicators suggest the

Key Provisions of the Transitional Administrative Law

- Islam is the official religion of the country as well as a source (but not the only source) of legislation.
- Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.
- Arabic and Kurdish are recognized as official languages, and Iraqis can educate their children in their own language in state and private schools.
- An Iraqi citizen is anyone who carries Iraqi nationality.
- All Iraqis have full equality without regard to gender, sect, opinion, belief, nationality, religion, or origin. All are equal before the law and have the right to a fair, speedy, and public trial.
- The Iraqi transitional government will include a national assembly, a presidency council, a council of ministers including a prime minister, and a judiciary. There is separation of powers—legislative, executive, and judicial. The assembly will elect the head of state—a president—and two deputy presidents from its ranks to serve as the presidency council; this council will name a prime minister. One-quarter of the assembly's 275 representatives shall be women, and all communities shall be fairly represented.
- *Federalism* is defined as a system of separation of powers based on geographic and historical realities and not race, ethnicity, nationality, or religious sect (confession). Formulation of national security policy as well as foreign, diplomatic, economic, trade, and debt policies belong to the federal government. Managing the natural resources and distributing revenues also fall under federal authority. The government will also observe checks and balances, with an independent judiciary.
- The armed forces and the intelligence services come under civilian control, and all military personnel are banned from political office and activity.
- The transitional government must honor Iraq's international obligations under international treaties. This includes the Non-Proliferation Treaty and all United Nations resolutions banning weapons of mass destruction.
- Resolution of disputed territories, including Kirkuk, is deferred until a census has been conducted and people who were compelled by force to leave their homes and region are compensated or returned home.
- The draft permanent constitution will be presented to the Iraqi people for approval by October 15, 2005. It will be approved if the majority approves it and if two-thirds of the voters in three or more governates do not reject it.

two may have split. They also have representatives in the new government.

Finally, a Hizballah party is forming in southern Iraq. Little is known about its activities or backing, but it is apparently building grassroots organizations—constructing schools, housing, clinics, mosques, and societies to provide martyrs' benefits to families affected by the war and occupation in much the same manner as the Lebanese Hizballah. Like the Lebanese version, it almost certainly has ties to radical Iranian clerics and the Iranian Revolutionary Guard Corps.

The Al-Sadr Phenomenon. The most dangerous movement thus far is that of Muqtada al-Sadr, a junior cleric in his 30s who seems to appeal primarily to disgruntled young unemployed males with a taste for sacrifice and violence. His Mahdi militia and rhetoric portray the struggle against U.S. forces as a holy war (jihad) against the infidel; he wraps himself in a white shroud to show he is ready for death. He is implicated in the murder of Ayatollah Abd al-Majid al-Kho'i in Najaf in April 2003. Kho'i, a moderate, pro-American leader of a wealthy foundation, had returned to Iraq and was trying to reconcile factions in Najaf when he was brutally murdered.

Sadr follows an Iraqi exile in Iran as his *marja* (source of emulation or guide)—Ayatollah Ha'iri, who resides in Qom. Sadr does not appear to find much favor with Iranian clerical leaders; more likely, they find him a dangerous source of instability and civil strife where they would prefer quiet manipulation and a more subtle exercise of their assumed influence.³ The merchants and elders of Najaf and Karbala have pressured Sistani and the senior clerics of the *hawza*, the leadership council of senior clerics, to end Sadr's reign of terror, which has been marked by crime and brought a thriving pilgrimage business to a halt.

Finally, there are the senior clerics, most of whom are not Iraqi. They are not always central to the lives of Iraqi Shi'a. The exceptions are in times of great stress, as in revolt and under occupation.⁴ Many senior and mid-level Shi'a clerics in Iraq are Iranian in origin. Sistani, who came to Iraq from Iran more than 50 years ago, is portrayed as anti-American, but is more accurately described as pro-Iraqi. He opposes non-Iraqis writing a constitution for Iraq and demands direct elections for the new government and parliament. He probably also was unhappy with some members of the Governing Council whom he saw as unrepresentative,

unpopular, and unelectable. He has given tacit approval to the new interim government. Some observers believe his insistence on elections simply reflects his belief that the majority Shi'a population would naturally choose Shi'a candidates and thereby create a Shi'a-dominated state. This view is open to question.

What Do the Sunnis Want? Sunni Arabs were given control of Iraq by the Turks and the British and ruled a secular state under monarch and autocrat for eight decades. Religious extremism was not a significant force under the monarchy or Saddam, who saw Islamic extremism of any form as one of the most serious threats to his regime. He supported the Sunni extremist Syrian Muslim Brotherhood only because of their common antipathy to Syrian President Hafiz al-Asad, but he suppressed all religious activism inside Iraq that he could not control.

Despite Saddam's best efforts, Islamic activism has been growing among Iraqi Sunnis. In part, the growth parallels similar developments in other Arab countries, where personal piety and a retreat to the safeguards of religion have been gaining strength. Saddam suspected, correctly, that Wahhabi influences (the name given to any Sunni extremism) from Saudi Arabia were infiltrating Iraq.⁵ Saudi Wahhabi clerics and the Saudi-sponsored Muslim Brotherhood have long been active in northern Iraq and among the Sunni tribes of central and western Iraq to woo them back to a strict and observant Islam. They are building mosques in areas of northern and central Iraq. Sunni clerics in Iraq, however, lack the power and influence exercised by Shi'a clerics. Whereas the latter have been relatively more independent of the state in terms of wealth and status, Sunni clerics were state employees and hence controllable by the government.

Nonetheless, Sunni Arab and Shi'a activists have been uniting to protest the U.S. presence in Iraq. This may seem an unusual phenomenon, but it is not a new one. In the 1920 revolt, Sunni and Shi'a clerics prayed and preached in each others' mosques, denounced the British occupation, and organized joint anti-British demonstrations. Ultimately, however, it was a Shi'a cleric who issued a *fatwa* authorizing rebellion against the British that led the Shi'a tribes of southern Iraq to revolt. Since the fall of Saddam's regime, Sunni and Shi'a religious extremists have held meetings similar to those of 1920, which raises the question: Is this a replay of events exactly 84

years ago this April, when Sunni and Shi'a prayed together, and the arrest of angry Shi'a led to an anti-British decree and a rebellion? Probably not, but there is evidence that Sunni and Shi'a extremist factions are cooperating in operations against the foreign presence (American and international) as well as against moderate clerics in both communities.

It is easy to see what the Sunni elements are against: all foreign intervention and any progress in reconstruction that would promote stability and success for the interim Iraqi governments. It is harder to see what they are for. Aside from vaguely worded slogans of an Iraq free of foreign occupation, there seems to be no coherent or consistent vision for the new Iraq. If Fallujah is an example of the post-Saddam Sunni extremist vision, then the desired end-state is a rigid Islamist-style rule similar to a Taliban-style *diktat*. No leaders have emerged other than local clerics and the urban legend that is Zarqawi.⁶ All politics is local in Iraq, and the Sunnis in general seem determined to preserve their local power and status while carving out a role in the new national political infrastructure. Few call for restoration of Saddam and his regime, which probably had as many opponents as proponents in Fallujah and the other predominantly Sunni Arab tribal areas of north and central Iraq.

What Will the Kurds Accept? Iraqi Kurds identify themselves ethnically rather than in religious terms. Most are Sunni, and Sufi mysticism is popular, while a small number are Shi'a and even Jewish. Few belong to the *Ansar al-Islam*, which is linked to al Qaeda, or to other extremist or Iranian-sponsored factions. Kurdish efforts to exploit the recent unrest in central and southern Iraq have been limited to political debate. Mainstream Kurdish factions, headed by Masud Barzani and Jalal Talabani, prefer a secular Iraq. They oppose inserting Islam into any constitution and fret that Shi'a efforts to restrict the veto power in the TAL may succeed.⁷ Attempts to take advantage of the turmoil in the south and in Baghdad by occupying lands claimed by the Arab and Turkman communities in Kirkuk, however, could result in Arabs regrouping to battle them after the United States is gone from Iraq.

The Kurds have been winners in Iraqi reconstruction so far. The TAL accords them a virtual veto over national legislation in the future, including a new constitution. Their regional government authority, established

in the 1990s, is recognized as the official government of the territories under its control—Dohuk, Arbil, Sulaymaniyah, Kirkuk, Diyala, and Nineveh regions as of March 19, 2003—but boundaries of the 18 provinces remain unchanged. The Kurdish regional authority will have control over local police and internal security forces and the power to tax.

The Kurds worry about their future as a minority in a state that has no experience of protecting minority rights. The TAL denies the Kurds the expanded territory—the city and oilfields of Kirkuk and the city of Mosul—that they demand. They are trying to create a new Kurdish national identification that non-Kurdish elements living in the north—the Turkmen and Assyrians, for example—could embrace. This, too, is unpopular among populations who reject *kurdification* just as the Kurds rejected *arabization* by Saddam. Kurdish spokesmen demanded a Kurd be appointed president or prime minister of the new interim government, but they had to be satisfied with the appointment of several Kurds—some outspoken supporters of Kurdish separatism—as deputy president, foreign minister, minister of state, and minister for human rights.

The ultimate test for the Kurds could come within the next year. If Kurdish leaders see weakness in Baghdad, they could decide to move to consolidate control over Kirkuk and other territories. This would probably trigger fighting between Arab and Kurdish militias, both of which are well armed and uncontrolled by any federal security apparatus. It would create a refugee crisis—approximately 200,000 to 300,000 Arabs remain on property in the Kirkuk region contested by Kurds and Turkmen. The picture in the predominantly Kurdish region is further complicated by the rivalry between the leaders of the two main Kurdish factions. Despite having a regional governing authority, the factions have not merged their territories, organizations, or militias. Disarming the Kurdish militias—the guerrilla units called the *pesh merga*—will be a difficult task, even as some Kurds call for the disarming of Iraqi warlords and armed bands. The lesson the Kurds say they have learned from the recent negotiations between the CPA, former Ba'thists, tribal leaders, and clerics in Fallujah and Najaf is that “the squeaky wheel gets oiled”—that to get attention and realize political objectives, it is necessary to pressure the Americans, the CPA, and the military presence.

Near-Term Quandaries

In the year since Saddam Hussein and his brutal regime were removed from power, the United States won a war with surprising ease only to be confronted with a growing and violent opposition to its continuing military presence and political role. The situation in Iraq on the eve of the turnover of power on June 30, 2004—violence, political uncertainty, and economic instability—is troubling to most observers. But who can argue that removing Saddam was wrong? His removal freed Iraqis from long years of repression and removed a major security threat in the region.

Iraqis face an uncertain summer. Electrical power has not yet been completely restored, unemployment and underemployment rates are high, schools and hospitals lack the tools needed to provide adequate education and health care, and crime is rife in the cities and countryside. The new Iraqi political elites are jockeying for power, uncertain how to adopt the long-denied political behaviors and practices. The military operations in Fallujah and Najaf and the revelations about the abuse of detainees at the Abu Ghraib prison have contributed to the rising anti-American sentiment in Iraq and the region.

The United States has not wavered in its determination to transfer sovereignty to the Iraqi state by June 30, and yet the practical implications of this transfer remain to be seen. How much power and authority will the new governmental entity exercise? On what terms will the United States maintain its military presence in Iraq?

Under the most optimistic scenario, the turnover of power could prove substantial. Assuring that outcome was one factor prompting the old Iraqi Governing Council to select its successor by choosing new leaders, establishing a new cabinet, and dissolving itself on June 1. The new government understands that it urgently needs validation of its legitimacy from the United Nations as well as from Iraqis who still have not had the opportunity to choose their government, who resent the influence of exiles and other self-appointed power brokers, and who deeply mistrust U.S. intentions to turn over real authority.

In search of recognition and acceptance, the new government insisted on participating with the United States in formulating the terms of the turnover resolution and in obtaining the right to veto American military operations. They won on the former but not the latter. The issue is

not one of throwing the Americans out. Rather, it is the need to establish international legitimacy and internal credibility by acquiring full sovereignty over financial, diplomatic, and security interests. Iraqi leaders are painfully aware of their vulnerability; if they cannot improve standards of living, ensure internal security and public safety, and provide jobs, there may be little interest in elections next year. U.S. acquiescence with this strategy could help shore up the fledgling interim government.

Nonetheless, more pessimistic scenarios are certainly possible. The United States could withhold some decisionmaking prerogatives from the interim government. It could insist that advisers appointed to the ministries by Bremer remain in place and that the TAL be adopted as the permanent constitution for Iraq. It has refused to allow the Iraqi government to have veto power over military operations and could insist on intrusive measures against insurgents, terrorists, or criminals, regardless of Iraqi advice. It could demand that the new government sign a status of forces agreement that would give legal, extraterritorial protection to U.S. military personnel serving in Iraq. The United States also could insist that the new government adopt foreign policies, such as recognizing Israel and supporting the Palestinian-Israeli peace process and gearing economic policies toward total privatization (denationalizing the oil industry). These measures, however desirable they may be from the U.S. standpoint, would be resented by the interim government and by most Iraqis, with Kurds and other minorities being the lone dissenters. The new government would lose whatever credibility and popular support it had mustered, and the United States would face increasing security risks with little or no local help.

Outside Influences

In thinking through the next steps in the ongoing transition, U.S. policymakers should not lose sight of two outside players. The first, in the short term, is the United Nations. The second, in the longer term, is Iran.

Is the United Nations part of the problem or the solution? The international community and Iraq's neighbors have long argued for giving the UN authority over Iraqi political and economic reconstruction and foreign military forces in the country. Iraqis, however, are far less enthusiastic; they blame the UN for

implementing U.S.-imposed sanctions after the Kuwait war and resent having to comply with UN resolutions that limit Iraqi military capabilities and insist on reparations payments. Why, they will ask, should Iraq be held accountable for Saddam's actions, why should we pay off debts he incurred, and why should we be denied the right to acquire whatever weapons we need to defend ourselves when our neighbors have dangerous weapons systems, including weapons of mass destruction, that could be used against us?

The United Nations itself has only limited resources to give to Iraq, which suggests that the United States avoid presuming too much about the UN capacity or room for maneuver. Giving the organization a greater political role in Iraq will not end attacks by insurgents or terrorists, and it will not resolve domestic resistance to outside influence. It could, however, be critical to obtaining international assistance as well as support from Sistani and Iraqis seeking a more moderate road to self-rule.

As for Iran, the question remains as to whether it is a spoiler or a supporter of the transition. Iran looks at Iraq in a somewhat condescending manner. The feelings are part religious (Iranians are better Muslims) and part nationalist (Persians are better than Arabs). Tehran believes it is the preeminent power in the region, and Supreme Leader Ali Khamenei views himself as leader of the world Shi'a Muslim community. More importantly, by the 1990s, Iran was host to nearly one million Iraqi refugees, some of whom were Kurds, most of whom were Arab Shi'a Muslims fleeing the wars or forced into exile by Saddam's ethnic cleansing operations.

Iran has a vested interest in Iraqi stability—or instability—and will watch closely for signs of unrest, rebellion, or success, fearing potential spillover should civil war erupt or ethnic violence spread. Iran has always had diplomats, scholars, clerics, pilgrims, intelligence agents, and networks of informants active in Iraq. Iranians long dominated the religious schools and courts of the shrine cities, in particular Najaf and Karbala, and many clerical families own property and burial plots near the mosques. Iran, however, seems unable to capitalize on its influence. One of its closest allies, SCIRI leader Ayatollah Muhammad Baqr al-Hakim, was murdered last August, and its long support—safe haven, training, arms, and political support—to his organization and other Iraqi exiles has not paid off. Nor does Iran

appear to have influence over Muqtada al-Sadr. Its efforts to negotiate with Sadr and the Sistani elements in Najaf in April reportedly failed.

In large measure, Iran has created its lack of influence. Most Iraqis would say the Iranian revolutionary style of government is not a model worthy of emulation. Hardcore Iraqi Islamists—Shi'a and Sunni—seem insistent on an Islamic state under strict Islamic law, but Iran is not their preferred model. Iraqis are more likely to be influenced by their perception of how much power they will have after June 30, progress on holding direct elections, and the U.S. and UN roles in determining the shape and authority of an interim government. They may not view the Iranian experiment in theocratic democracy as a failure, but the majority will outright reject the idea of clerical-dominated politics or the need for a religious supreme leader. Their objection to unelected leaders running a country has already been applied to the councils appointed by the United

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States. Iran, then, may have little impact on the shape of Iraqi politics and policies, but it will have sufficient influence to play the spoiler in stirring up ethnic and sectarian unease.

A Way Ahead

Ultimately, the success of the Iraq transition will depend on the U.S. willingness and ability to empower the new Iraqi authority, to maintain an effective security presence while new governmental institutions stabilize and acquire the ability to protect themselves and the nation, and to support an international effort to rebuild Iraq economically and psychically.

Iraqis and their neighbors will view future U.S. intentions in light of how it behaves now. Washington cannot appoint advisers for multiyear terms; that is for the Iraqis to do. The United States cannot write legislation or a constitution for the Iraqis, although it can encourage secular government, the rule of law, and opportunities for all Iraqis—men, women, Arabs, Kurds, Sunnis, Shi'a, Turkmen, and Christian. It should not favor one party or

politician at the expense of others but should encourage the reemergence of the middle class, professionals, technocrats, civil servants, and military officers in a new Iraq. And finally, the United States cannot cut and run. Giving up on the transition only will compound U.S. problems—and Iraqi miseries—over the longer term.

So can the United States achieve success in Iraq? It is impossible at this stage to predict any definitive outcome, good or bad, with confidence, although actions by the new government led by Yawar and Allawi and responses by the United States so far are encouraging. Chances for success would be greater if the United States could achieve the following priorities:

- Strengthen the leading role of the Department of State in dealings with Iraq. Except for security threats and military operations and training, the U.S. Ambassador should have the same authority over U.S. personnel and presence throughout Iraq that Ambassadors have in other countries. It is imperative, moreover, that the United States gain internal agreement on how and when its Ambassador can be assured of receiving military support in the protection of critical transitional activity, such as upcoming elections.

- Treat the new interim government as a partner, not a client. The previous Governing Council was hampered by a series of rotating presidents with no agenda other than to enhance the status of their support networks and push through temporary bits of self-serving legislation. For the most part, they failed to win any appreciable popular support. Prime Minister Allawi's base in Iraq is also negligible, but his efforts to deal with the United States as a partner rather than as a client, to rein in the militias, and to broaden the base of the government could gain him a significant degree of popular support.

- Give the new interim government real decisionmaking authority. If any Iraqi official in the cabinet or ministries must look to the foreign political adviser before making decisions, then he or she will lose all credibility and nothing will have been achieved but a change of face. More than a change of label—to *liaison* instead of *adviser*—will be necessary if the new government is to function with any degree of self-respect.

- Promote the new leaders and civil society that are appearing in Iraq after decades of political repression. Competent people eager to serve are emerging from exile and from inside Iraq and creating professional unions, trade associations, social welfare groups, and university and technical

associations. This rebounding middle class needs encouragement and a hands-off approach from outsiders eager to reshape Iraq in their own image.

■ Support efforts to disband the militias. Most Iraqis recognize that private armies cannot coexist with a new national military and security forces, but they have felt powerless to deal with well-armed and dangerous factions that owe loyalty to a virtual warlord or local political leader. Allawi has announced a plan to disarm and disband some of the militias by offering members posts in the new Iraqi military and security forces and in local police forces or by encouraging retirement. His effort is aimed specifically at the nine militias that were part of the anti-Saddam movement, including the militias belonging to the Kurdish factions, Iraqi National Congress, Iraqi National Accord, SCIRI, Dawa Party, Hizballah of Iraq, and Iraqi Communist Party. It does not include the Saddam fedayeen, ex-Ba'athist factions now fighting as so-called insurgents or terrorists, or Muqtada al-Sadr's Mahdi army. The hard question remains of how to maneuver the sponsors of militias into a cooperative posture. While the preferred mode is cooptation, utilizing financial and economic inducements, and offering security guarantees, the direct use of American military power against recalcitrant militias may be necessary—despite obvious risks—if the militias refuse to cooperate or directly impede the formation of new governmental structures.

■ Avoid extreme military reactions to insurgent attacks. Protection of forces and civilians must be a priority, but overreaction can be detrimental to the objectives and impede protection concerns in the long run. The use of local mediators, especially prominent Iraqis whose opinions carry weight, to resolve pockets of resistance and negotiate an end to local conflicts has proven successful. If the United States does not do this and shuns all elements that served in Saddam's military and prominent tribal leaders, it will miss a key component to transition. The focus now should be on reconciliation and loyalty to the new Iraq, not retribution for having served in Saddam's armed forces. The worst thing the United States could do would be to kill or capture Muqtada al-Sadr—making him a martyr and symbol of national resistance will do more damage than letting the Shi'a establishment marginalize him.

■ Balance carrots and sticks in approaching Syria and Iran. These two countries are part of the current problem but are also part of the solution. Their tacit or active support for insurgent elements inside Iraq and efforts to build operational bases in the north, in the so-called Sunni center, and the predominantly Shi'a areas of southern Iraq must be

discouraged by the many instruments of U.S. national power, not just military. The goal in Washington should be to use economic and trade sanctions, diplomatic isolation, and international pariah status to remind Damascus and Tehran that there is a cost to exploiting unrest in Iraq.

■ Avoid replacing all symbolic vestiges of the old regime. Designing a new flag and destroying Saddam's palaces will be seen as a U.S. effort to destroy not Saddam's identity but rather that of Iraq. Turning these facilities over to the people for use as hospitals, schools, theaters, or libraries would serve to remind future generations of past legacies.

Can the Transition Work?

Managing the multifaceted transitions that are now unfolding—from Coalition Provisional Authority to Embassy, from Governing Council to interim government, from coalition forces to Multinational Force—Iraq—is a daunting task, one made all the more difficult by competing egos and desired endstates here and in Iraq. Success for the United States cannot be measured by wartime military standards or election-year political slogans alone. Success is not “getting” Muqtada al-Sadr or eliminating all insurgents or terrorists. Success should be measured in the evolution of central government authority, in popular acceptance of the legitimacy of the new interim government, and in the ability of the new government to improve public security, provide jobs, and raise living standards. Success will also be measured in the disarming of the private militias that roam Iraq and the turnover of security to more and better-trained Iraqi forces. All of this will take time and patience and require a commitment by the United States to stay the course.

The consequences of failure could be devastating to Iraq and the region. If the new government is unable to contain the insurgents and terrorists and if it is unable to win the support of the diverse ethnic and sectarian communities in Iraq, then a weak and

discredited central government will be no match for local warlordism and the growth of terrorist infrastructures. If this happens, the outcome will not be the hoped-for democratic Iraq of 2005 and beyond, but a country more like Lebanon in the 1980s or Afghanistan in the 1990s—only in this case a country replete with oil wealth and a great capacity to wreak havoc beyond its borders.

Notes

¹ Three transitions have occurred: from the Coalition Provisional Authority to the U.S. Embassy; from the Iraqi Governing Council to the interim government; and from the coalition military force to the Multinational Force—Iraq. The first and third will occur on July 1; the second transition occurred on June 1.

² Bremer later authorized payment of wages for the rank-and-file military up to the O-6 level. He did not rescind the order, insisting that there was no Iraqi military to disband. Nor did he sign Chalabi's decree on expanding de-Ba'athification. As long as the Coalition Provisional Authority was in control, Bremer's signature was required for a measure to become law.

³ Saddam appointed Sadr's father, Ayatollah Muhammad Sadiq Sadr, to his position in Baghdad; when Sadiq Sadr tried to restore practices banned by Saddam, Saddam had him and two of his sons murdered in 1999. This Sadr clan is related to a very important clerical family in Iraq that has figured historically in Shi'a political activism. Muqtada seems not to have his father's brilliance or leadership skills, but he plays on the family's Arabism and loyalty to Iraq, saying they stayed and suffered under Saddam while “others” (the al-Hakims and Supreme Council for the Islamic Revolution in Iraq) fled to safety in Iran.

⁴ Unlike Sunnis, Shi'a Muslims must follow a living *mujtahid* (religious scholar such as Khomeini or Sistani) who can interpret the Quran, collect tithes, and issue *fatuwas*. While clerics in both sects can issue *fatuwas*, Shi'a authorities have more latitude to interpret the law and tradition.

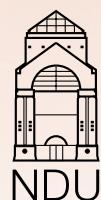
⁵ The Shi'a remember that Wahhabis from Arabia sacked and burned the Great Mosque in Najaf in the early 19th century.

⁶ Zarqawi claims responsibility for some of the most spectacular terrorist attacks in Iraq, including the bombing of UN headquarters in Baghdad in August 2003, in which UN Special Representative Sergio de Mello was murdered. His faction also murdered a senior U.S. official in Jordan last year.

⁷ The Transitional Administrative Law (TAL) allows any three governors to form a regional government unit similar to the Kurdish Regional Government and to veto national legislation, should a majority in three governors agree. The Kurds believe that pressure from Ayatollah Sistani kept the TAL from being included in the draft United Nations Security Council resolution recognizing the new government.

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